

REMARKS

Claims 49-55 are pending and under examination.

A. The Double Patenting Rejection Should be Withdrawn

Claims 49-55 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of U.S. Pat. No. 7,566,462. Applicants respectfully disagree with the rejection. However, solely to expedite the prosecution and allowance of the instant application, submitted herewith is an executed Terminal Disclaimer for filing in connection with the above-referenced application with respect to U.S. Patent No. 7,566,462. Applicants respectfully point out that the filing of a terminal disclaimer is not an admission of the propriety of the rejection. *See* MPEP § 804.02.

SUMMARY

It is submitted that the foregoing amendment and remarks address all grounds of objection and rejection, and that the claims remaining in this application are in condition for allowance.


Should the Examiner believe that prosecution of this application might be expedited by further discussion of any remaining issue, the Examiner is cordially invited to contact the undersigned representative of Applicants, Dale L. Rieger, Ph.D., by phone at (858) 314-1200 or by email at drieger@jonesday.com.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-3013 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: January 12, 2011

By:


Lin Yu (Reg. No. 57,083)

Signed for
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